Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)	
Office Action Summary		09/400,708	GOUGH, MICHAEL L.	
		Examiner	Art Unit	
		Thong H Vu	2152	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _21 September 1999_ .

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-16_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-16_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _4_ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

1   This office action is in response to Application filed 9/21/99. Claims 1-16 are

pending. The rejection is cited as stated below.

2   Claims 1-16 are rejected under 35 U.S.C. § 103 as being unpatentable over

Venkatraman et al [Venkatraman 5,327,559] in view of Kelly [6092,104]

3   As per claims 1,15,16 Venkatraman discloses the invention substantially as

claimed, including a method for communicating via an application program or

embedded software included in an electronic message [abstract], comprising:

initializing at least one application program after a first electronic message is

selected by a first user, wherein the application program is received with the first

electronic message over a network which is equivalent to the email message with

attachment includes an executable software [col 1 line 60-col 2 lines 55, col3 line 55-col

4 line 60]; and

executing the application program of the first electronic message after the

initialization thereof, the execution of the application program including displaying text

included with the first electronic message

However Venkatraman does not detail receiving input from the first user,

changing a non-textual aspect of the first electronic message based on the input from

the first user, allowing entry of text, and sending the entered text and the application

program over the network in a second electronic message to a second user. A skilled

artisan would have motivation to improve the Venkatraman's apparatus and found

Kelly's teaching. Kelly taught a method for transmitting email message with attached

images, displayed the message and edited by user [Kelly abstract, col 2 lines 15-30,col 3 lines 1-col 4 line 20].

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the technique of displaying and editing electronic message with non-textual information or images which is taught by Kelly and well-known in the art into Venkatraman 's system in order to improve the attached program and execution process on the electronic messaging system. Doing so would provide a quick, simple and effective and dynamic process to the clients to communicate by electronic message via network.

Thus, the system and method of claims 1,15,16 is obvious in view of the combination of the references.

4   As per claim 2, Venkatraman-Kelly disclose the first electronic message is selected by the first user by clicking thereon.

5   As per claims 3,14 Venkatraman-Kelly disclose the application program includes an applet as inherent feature of Java virtual machine and Java executable software [Venkatraman col 4 lines 30-45].

6   As per claim 4, Venkatraman-Kelly disclose the execution of the application program includes retrieving code from a server or sender machine as inherent feature of the client-server communications.

7   As per claim 5, Venkatraman-Kelly disclose the execution of the application program includes a functionality based on the text included with the first electronic

message as inherent feature of Java executable software [Venkatraman col 4 lines 30-45].

8   As per claim 6, Venkatraman-Kelly disclose the execution of the application program includes streaming video [Venkatraman col 5 lines 62-67].

9   As per claim 7, Venkatraman-Kelly disclose the execution of the application program includes outputting an advertisement as inherent feature of coupon [Venkatraman col 5 lines 55-57].

10   As per claim 8, Venkatraman-Kelly disclose the application program is executed on a network browser as inherent feature of Internet [Venkatraman col 1 lines 30-42].

11   As per claim 9, Venkatraman-Kelly disclose the first electronic message is selected on an electronic mail browser or Email platform [Venkatraman col 1 lines 55-60].

12   As per claim 10, Venkatraman-Kelly disclose the execution of the application program includes automatically linking to a site on the network upon selection of the indicia as inherent feature of ULR [Venkatraman col 5 lines 62-67].

13   As per claim 11, Venkatraman-Kelly disclose the execution of the application program includes retrieving an email server address from a computer of the first user for sending the entered text and the application program over the network in the second electronic message as inherent feature of the execution of the application program such as Java applet [Venkatraman col 4 lines 30-45].

14   As per claim 12, Venkatraman-Kelly disclose the entered text includes an

electronic mail address of the second user which is equivalent to edit the message

[Kelly col 3 lines 12-15].

15   As per claim 13, Venkatraman-Kelly disclose the application program includes

markup language which calls an object-oriented computer language as inherent feature

of the application program [Venkatraman col 4 lines 30-45].

    Thus, as explained above, the system and method of claims 1-16 is obvious in

view of the prior art.

I.   Any inquiry concerning this communication or earlier communications from the
examiner should be directed to examiner Thong Vu, whose telephone number is
(703)-305-4643.
The examiner can normally be reached on Monday-Thursday from 8:00AM- 4:30PM.
    If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, *Mark Rinehart*, can be reached at (703) 305-4815.
    Any inquiry of a general nature or relating to the status of this application should
be directed to the Group receptionist whose telephone number is (703) 305-9700.
    Any response to this action should be mailed to: Commissioner of Patent and
Trademarks, Washington, D.C. 20231 or faxed to :
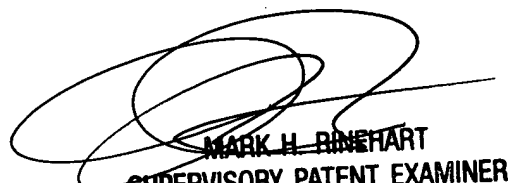   After Final   (703) 746-7238
            Official: (703) 746-7239
            Non-Official   (703) 746-7240
    Hand-delivered responses should be brought to Crystal Park 11,2121 Crystal
Drive, Arlington. VA., Sixth Floor (Receptionist).

Thong Vu
Patent Examiner
Art Unit 2152

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